



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

John Schemitsch
Senior Counsel
Desk: 212-356-3539
jschemit@law.nyc.gov

December 12, 2023

BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al.*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

Defendants, the City of New York (“City”) and Department of Correction (“DOC” or “the Department”) (collectively “defendants”), write in response to the Court’s December 11, 2023 Order requiring the presence of former Commissioner, and current Assistant Deputy Mayor Louis Molina at the Status Conference scheduled for December 14, 2023. Dkt. No. 640. Defendants respectfully request that the Court allow Assistant Deputy Mayor Molina to appear at the conference remotely, either by video or telephonic means. Upon information and belief, Assistant Deputy Mayor Molina, will be outside of New York State on the date of the conference due to a prearranged family matter, with travel arranged prior to the Court’s Order. He is available to appear remotely. Should the Court require, Defendants can provide documentation confirming this prearranged travel to the Court *ex parte*, via sealed filing in advance of the December 14, 2023 conference. Plaintiffs’ class, S.D.N.Y., and the Monitor take no position on this request.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/

John Schemitsch

cc: BY ECF
All counsel of record